

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID A. KADLEC,

Defendant.

Case No. 97-CR-98-10-JPS

ORDER

On September 2, 2022, Defendant filed a pro se, two-page renewed motion for compassionate release. ECF No. 2305. On September 7, 2022, the Court ordered Defendant to provide additional clarification on the renewed motion, including (1) proof of administrative exhaustion, such that the Court may satisfy itself that the defects present in Defendant's previous motion for compassionate release (ECF No. 2266, the "December 2021 Motion") are remedied; and (2) a statement as to whether the two-page motion is meant to stand alone, or whether it is meant as a supplement to the December 2021 Motion, in which case the Court ordered Defendant to re-file the December 2021 Motion with all of its component parts. ECF No. 2306.

On September 21, 2022, Defendant filed a document labeled as a "reply" brief in support of the December 2021 Motion, ECF No. 2313, along with a motion to seal the document and its attachments, ECF No. 2314. Therein, Defendant provides proof of administrative exhaustion, which appears at this juncture to remedy the defects present in the December 2021 Motion. ECF No. 2313-1. Thereto, Defendant also attaches a copy of the December 2021 Motion and all of its attachments. *Id.*

The Court already issued an order denying without prejudice the December 2021 Motion. ECF No. 2277. Thus, Defendant's September 21, 2022 filing is not appropriately titled a "reply" brief. However, Defendant complied with the Court's orders, and informed the Court that the newly-filed brief, ECF Nos. 2313 and 2313-1, and pro se renewed motion, ECF No. 2305, are intended to supplement the December 2021 Motion, and re-filed a copy of the December 2021 Motion and its attachments. Therefore, the Court will construe the documents filed at ECF Nos. 2313 and 2313-1, including the entirety of the attached December 2021 Motion, as a brief in support of the pro se renewed motion filed at ECF No. 2305.

Further briefing will proceed as follows:

1. The Government shall have thirty (30) days from the date of this Order in which to respond to the entirety of Defendant's motion (ECF Nos. 2305, 2313, 2313-1).
2. Defendant may submit a reply brief, if any, within thirty (30) days of the Government's response.

The Court will further grant Defendant's motion to seal. ECF No. 2314. Therein, Defendant requests that the motion and its attachments be shielded "from public view." *Id.* The Court has accordingly docketed the motion and its attachments in "restricted" form, such that only Defendant, the Government, and the Court can view them.

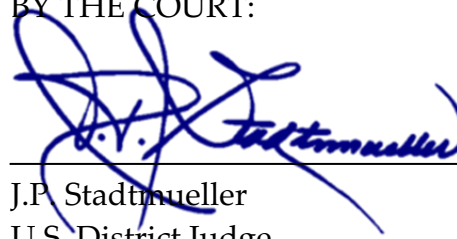
Accordingly,

IT IS ORDERED that the Government shall submit a response to ECF Nos. 2305, 2313, and 2313-1 within **thirty (30) days** of the date of this Order; and Defendant may submit a reply, if any, within **thirty (30) days** of the Government's response; and

IT IS FURTHER ORDERED that Defendant's motion to restrict his renewed briefing from public view, ECF No. 2314, be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 23rd day of September, 2022.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge